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10/533,721	05/03/2005	Oliver Bohme	DE020250US	7816
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			ROY, SIKHA	
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,721	<b>Applicant(s)</b> BOHME ET AL.
	<b>Examiner</b> Sikha Roy	<b>Art Unit</b> 2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/06/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

The Amendment, filed on June 6, 2008 has been entered and acknowledged by the Examiner.

The objections to drawing, title and claims 4,7,8,10,13 have been withdrawn.

Claims 1-17 are pending in the instant application.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The Specification does not provide antecedent basis for 'a glass bulb including a dome-shaped portion over the light emitting portion, a curve of the dome-shaped portion following a curve of light emitting portion, the dome-shaped portion carrying a reflective coating'. The specification discloses (page 3 lines 26-28) the bottom 21 of the glass bulb has a reflection layer 40, the reflection layer 40 reflects light onto the reflector 2 but there is no mention of 'a curve of dome-shaped portion following a curve of light emitting portion', when light is being emitted from the bottom 21 opposite to the base and also the sides of the glass bulb.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,5,6,8,10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,935,660 to Heider et al.

Regarding claim 1 Heider discloses (Figs. 1,2 col. 3 lines 50-59, col. 4 lines 36,37 col. 5 lines 11-38) a reflector lamp with a reflector 2 with a lamp base 9, with a halogen burner 1 and with a cap 24 which envelops the halogen burner at least partly and is retained by a bracket 22 which extends as a bridge from one side of the reflector to the other characterized in that the halogen burner 1 is enveloped by a glass bulb (tubular element)19 (14 in Fig. 1).

Regarding claim 4 Heider discloses (col. 5 lines 11,12) the bottom of the glass bulb has an opening.

Regarding claim 5 Heider discloses (Figs. 1, 2 col. 4 lines 4-21) the lamp base 9 has a cylindrical opening with a step.

Regarding claim 6 Heider discloses (col. 5 lines 1-3) the lamp base comprises a leaf spring or a spring ring 16a.

Regarding claim 8 Heider discloses (col. 5 lines 11-13) end of the glass bulb 14 is closed by the cap structure which is not integral with the bulb and hence the bulb and the cap are at a distance from one another.

Regarding claim 10 Heider discloses in Fig. 2 the glass bulb 19 is at least partly surrounded by the cap 24.

Regarding claim 14 Heider discloses (Fig. 1 col. 3 line 50- col. 4 line 48) a reflector lamp comprising a base 9 , a reflector 2 connected to the base, a halogen burner 1 connected to the base and comprising an envelope and a light emitting portion and a glass bulb 14 connected to the base and including a dome-shaped portion over the light emitting portion and a curve of the dome-shaped portion following a curve of light emitting portion, the dome-shaped portion carrying a reflective coating.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,935,660 to Heider et al.

Regarding claim 2 Heider discloses (col. 5 lines 35-39) the cap 24 has mirrored surface on the inside to reflect radiation back to the reflector. Heider does not explicitly disclose the mirrored surface on the glass bulb. The portion of the mirrored surface of the cap overlaps the outer surface of the glass bulb and hence it would have been obvious to one of ordinary skill in the art to form the reflecting (mirrored) layer on the

outside of the glass bulb since it has been held rearranging parts of an invention involves only routine skill in the art.

Regarding claim 3 Heider discloses the glass bulb having reflecting layer impermeable to light.

Regarding claim 9 Heider discloses (Fig. 3 col. 5 lines 46-53) in another embodiment a spring between the glass bulb and the cap for fitting the cap to the glass bulb. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to employ the spring arrangement for holding the cap and the glass bulb 19 for the embodiment disclosed in Fig. 2 so that the bulb is securely retained in the position relative to the cap.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,935,660 to Heider et al. as applied to claim1 above, and further in view of USPN 5,260,856 to Perthus et al.

Regarding claim 7 Heider is silent about the glass bulb comprising a bulge.

Perthus in same field of endeavor discloses (Fig. 1 col. 3 lines 19-24) a discharge lamp having a glass envelope 19 surrounding the lamp where the glass envelope 19 has a bulge 26 (radially outward pointing projection) for holding the envelope in predetermined position.

Therefore it would have been obvious to include a bulge in the glass bulb of Heider as taught by Perthus for holding the bulb surrounding the halogen lamp in predetermined position.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,935,660 to Heider et al. as applied to claim1 above, and further in view of USPN 5,670,840 to Lanese et al.

Regarding claim 11 Heider is silent about the halogen burner comprising two mutually opposed pinched ends.

Lanese in analogous art discloses (Figure col. 2 lines 45-55) the discharge lamp having double ended envelope with two mutually opposed pinched ends. The halogen lamps can be of either single ended or double ended shape and both types of envelopes are well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the single ended discharge lamp of Heider to be double ended with two mutually opposed pinched ends as disclosed by Lanese since both types are very well known in the art.

Regarding claim 12 Lanese discloses (See Figure) the return lead 28 comprising a locking means.

Regarding claim 13 Lanese discloses the halogen burner has an infrared coating for reflecting infrared radiation.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,961,019 to White et al. and further in view of USPN 5,610,469 to Bergman et al.

Regarding claim 14 White discloses (Figs. 1,2 col. 3 lines 40-67 col. 4 lines 1-20) a reflector lamp comprising a base 22, a reflector 14 connected to the base, a halogen burner 30 connected to the base comprising an envelope and a light-emitting portion and a glass bulb 48 (light transmissive shield or shroud) connected to the base and including a dome-shaped portion over the light-emitting portion, a curve of the dome-shaped portion following a curve of light emitting portion.

White is silent about the dome-shaped portion carrying reflective coating.

Bergman in same field of endeavor discloses (Fig. 2 col. 2 lines 35-64) dome shaped portion of an outer shroud covered with reflecting surface for reflecting light having predetermined wavelength back towards the light source and thus providing greater efficacy.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include a reflection coating on the dome-shaped portion of the outer glass bulb of White as suggested by Bergman for providing greater efficacy.

Regarding claim 15 White discloses the halogen burner comprises first and second pinched ends and the bulb comprises an opening at the center of the dome-shaped portion and the second pinched portion protruding through the opening.

Regarding claim 16 White discloses the lamp further comprising an electrical contact 36 coupled with the first pinched end and a return lead 34 coupled with the second pinched end, the return lead passing between the halogen burner and the bulb.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,961,019 to White et al., USPN 5,610,469 to Bergman et al. and further in view of USPN 4,774,636 to Gaugel et al.

Regarding claim 17 white and Bergman do not exemplify a cap surrounding the second pinched end and a bracket for holding the cap inside the reflector.

Gaugel in same field of endeavor discloses (Figs. 2 , 3 col. 3 lines 40-46) a lamp comprising a cap 13 surrounding the second pinched end 12 and a bracket for holding the cap inside the reflector. It is noted that this configuration provides guide of the second pinched end and hence rigidly fixes the position of the halogen lamp inside the reflector.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include a cap surrounding the second pinched end of the halogen lamp of White and a bracket for holding the cap inside the reflector as suggested by Gaugel for fixing the position of the halogen lamp along with the glass bulb surrounding it, inside the reflector.

***Response to Arguments***

Applicant's arguments filed May 5, 2008 have been fully considered but they are not persuasive.

Regarding applicant's allegation that the glass bulb of Heider is a tube not a bulb the Examiner respectfully disagrees. As cited by the applicant the definition of bulb (# 5 as considered by the examiner) is an incandescent lamp or its glass housing. The glass bulb 14 (cylindrical tube) of Heider is the housing for the lamp 1. Furthermore it is noted

that the specification does nowhere explicitly disclose the glass bulb 5 having a shape that is curved in more directions or domed portion. Hence the Examiner asserts that that the claim terminology of 'glass bulb' has been construed as its ordinary meaning and hence the rejection is proper.

In response to applicant's argument regarding claim 11, that Lanese's burner would force Heider's cap far away, the Examiner disagrees. It is well known in the art that the halogen lamp can be either single ended or double ended shape and hence it would have been obvious to one of ordinary skill in the art to substitute the single ended burner of Heider by a double ended burner with two mutually opposed pinched ends as shown by Lanese maintaining other parts of the assembly same.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikha Roy/  
Primary Examiner, Art Unit 2879